

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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LEVITON MANUFACTURING CO., INC., :

Plaintiff, :
-against- :
:

GREENBERG TRAURIG LLP, PAUL J. :
SUTTON, BARRY G. MAGIDOFF, and CLAUDE :
R. NARCISSÉ, :

Defendants.

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GEORGE B. DANIELS, District Judge:

Defendants' motion to dismiss Plaintiff's claims of litigation misconduct (counts 1-3), because the claims are not ripe for adjudication, is denied.

Defendants' motion to dismiss Plaintiff's claims of malpractice in patent prosecution (counts 4-8), on the ground that they are barred by the statute of limitations, is denied without prejudice.

Defendants' motion to dismiss Plaintiff's equitable claims (counts 9-11), is granted since the claims are duplicative of Plaintiff's malpractice claims.

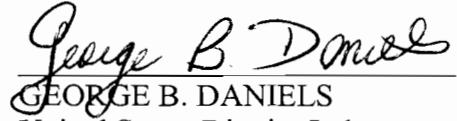
Defendants' motion for a stay pending outcome of Leviton Mfg. Co., Inc., v. Universal Security Instruments, Inc. and USE Electric, Inc., Appeal No. 2009-1421, currently before the United States Court of Appeals for the Federal Circuit is denied.

Dated: March 31, 2010
New York, New York

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 31 MAR 2010

ORDER
09 cv 8083 (GBD)

SO ORDERED:



GEORGE B. DANIELS
United States District Judge